

EXHIBIT 57

1
2 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

3 -----x
4 NATIONAL COALITION ON BLACK CIVIC
PARTICIPATION, MARY WINTER, GENE
5 STEINBERG, NANCY HART, SARAH WOLFF,
KAREN SLAVEN, KATE KENNEDY, EDA
6 DANIEL, and ANDREA SPERES,

7 Plaintiffs,

8 - against -

Civil Action No.
10-cv-8668

9
10 JACOB WOHL, JACK BURKMAN, J.M.
BURKMAN & ASSOCIATES, LL, PROJECT
11 1599, and JOHN and JANE DOES 1-10,
12 Defendants.

-----x

13
14 Remote deposition
15 May 11, 2022
16 10:08 a.m.

17
18
19 VIDEO-RECORDED VIDEOCONFERENCE DEPOSITION of
20 JACOB WOHL, before Michele Moskowitz, a shorthand
21 reporter and Notary Public of the State of New
22 York.
23
24
25

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ALSO PRESENT:

MIRIAM LI, LEGAL ANALYST

RYAN GALLAGHER, VIDEOGRAPHER

1 WOHL

2 Q. Mr. Wohl, are you smoking a cigar?

3 A. Yes.

4 Q. Okay.

5 A. Is that okay?

6 Q. Yeah, sure.

7 A. Okay.

8 Q. I'm not in the room, so I don't have
9 to smell it. It's fine. It would mess up my
10 allergies.

11 A. Oh.

12 MR. BRODY: Just a moment. We're
13 working on pulling up the exhibit.

14 MR. KLEINMAN: No worries. Virtual
15 depositions.

16 MR. BRODY: Yeah. All right. We're
17 about to play it. The person that played it
18 was on mute. So sorry about that. We're
19 going to try this again. We're going to
20 play the audio of the robocall, Plaintiffs'
21 Exhibit 3.

22 (Audio playing.)

23 Q. While we were listening to that
24 audio, I'll note for the record that you took a
25 puff on the cigar.

1 WOHL

2 You heard the audio of this robocall
3 before, correct?

4 A. Fifth Amendment.

5 Q. You and Jack Burkman recorded this
6 audio, correct?

7 MR. KLEINMAN: Objection.

8 A. Fifth Amendment.

9 Q. You and Jack Burkman wrote the script
10 for this robocall, correct?

11 MR. KLEINMAN: Objection.

12 A. Fifth Amendment.

13 Q. You and Jack Burkman caused this
14 robocall to be transmitted to tens of thousands
15 of phone numbers nationwide, correct?

16 MR. KLEINMAN: Objection.

17 A. Fifth Amendment.

18 Q. Who is Tamika Taylor, the person
19 speaking on the robocall?

20 MR. KLEINMAN: Objection.

21 A. Fifth Amendment.

22 Q. The Court ruled last week that it's a
23 forgone conclusion that you sent the robocall
24 and thus do not have a Fifth Amendment right to
25 invoke here. It specifically instructed

1 WOHL

2 MR. KLEINMAN: Objection.

3 A. Fifth Amendment.

4 Q. In fact, at the time you knew that
5 claim to be false, correct?

6 MR. KLEINMAN: Objection.

7 A. Fifth Amendment.

8 Q. At the time you sent the robocall,
9 you had no information supporting the claim that
10 credit card companies will use vote-by-mail data
11 to collect outstanding debts, correct?

12 MR. KLEINMAN: Objection.

13 A. Fifth Amendment.

14 Q. In fact, at the time you knew that
15 claim to be false, correct?

16 MR. KLEINMAN: Objection.

17 A. Fifth Amendment.

18 Q. You falsely claimed in the robocall
19 that the act of voting by mail would put a
20 person's personal information in a public
21 database because you believed it would intimidate
22 black voters from voting, correct?

23 MR. KLEINMAN: Objection.

24 A. Fifth Amendment.

25 Q. You falsely claimed that police

1 WOHL

2 departments would use vote-by-mail data to track
3 down old warrants because you believed that would
4 intimidate black voters from voting, correct?

5 MR. KLEINMAN: Objection.

6 A. Fifth Amendment.

7 Q. You falsely claimed that credit card
8 companies would use vote-by-mail data to collect
9 outstanding debts because you believed that would
10 intimidate black voters from voting, correct?

11 MR. KLEINMAN: Objection.

12 A. Fifth Amendment.

13 Q. You falsely claimed that the CDC was
14 pushing to use records for mail-in voting to
15 track people for mandatory vaccines because you
16 believed it would intimidate black voters from
17 voting, correct?

18 MR. KLEINMAN: Objection.

19 A. Fifth Amendment.

20 Q. You used the phrase "Don't be
21 finessed into giving your public information to
22 the man" because you believed that was slang used
23 by black people, correct?

24 MR. KLEINMAN: Objection.

25 A. Fifth Amendment.

1 WOHL

2 Q. You included that phrase because you
3 believed it would cause black people to trust the
4 authenticity of the robocall, correct?

5 MR. KLEINMAN: Objection.

6 A. Fifth Amendment.

7 Q. You included that phrase because you
8 believed it would intimidate black voters from
9 voting, correct?

10 MR. KLEINMAN: Objection.

11 A. Fifth Amendment.

12 Q. Your intent in sending this robocall
13 was to intimidate voters from voting in the 2020
14 federal presidential election, correct?

15 MR. KLEINMAN: Objection.

16 A. Fifth Amendment.

17 Q. Your intent is sending this robocall
18 was to intimidate specifically black voters from
19 voting in the 2020 federal presidential election,
20 correct?

21 MR. KLEINMAN: Objection.

22 A. Fifth Amendment.

23 Q. Your intent is sending this robocall
24 was to harass black voters and the exercise of
25 their right to vote in the 2020 election,

1 WOHL

2 mute.

3 MR. KLEINMAN: Thank you. Objection.
4 Sorry. Thank you for that. Appreciate
5 that.

6 A. Fifth Amendment.

7 Q. The attachment to this e-mail is the
8 robocall at issue in this case, correct?

9 MR. KLEINMAN: Objection.

10 A. Fifth Amendment.

11 Q. And in the title of that file name
12 "1599" is a reference to Project 1599, correct?

13 MR. KLEINMAN: Objection.

14 A. Fifth Amendment.

15 Q. And you intended to send the robocall
16 to black neighborhoods in Milwaukee, Detroit,
17 Philadelphia, Charlotte, Richmond, Atlanta, and
18 Cleveland, correct?

19 MR. KLEINMAN: Objection.

20 A. Fifth Amendment.

21 Q. You intended specifically to send the
22 robocall to black neighborhoods, correct?

23 MR. KLEINMAN: Objection.

24 A. Fifth Amendment.

25 Q. And that was your intent because you

1 WOHL

2 Q. And it's a true and accurate
3 representation -- copy of what he said?

4 MR. KLEINMAN: Objection.

5 A. Fifth Amendment.

6 Q. Then above that there is another
7 e-mail from you back to Jack Burkman, correct?

8 MR. KLEINMAN: Objection.

9 A. Fifth Amendment.

10 Q. And that is also a true and accurate
11 copy of that e-mail, correct?

12 MR. KLEINMAN: Objection.

13 A. Fifth Amendment.

14 Q. So now we're looking at the top
15 e-mail on the page, the one that's in the biggest
16 text. That is an e-mail from Jack Burkman to
17 you, correct?

18 MR. KLEINMAN: Objection.

19 A. Fifth Amendment.

20 Q. And it's a true and accurate copy of
21 that e-mail, correct?

22 MR. KLEINMAN: Objection.

23 A. Fifth Amendment.

24 Q. And in it Jack Burkman writes, "I
25 love these robocalls getting angry black

1 WOHL

2 callbacks. Win or lose the black robo was a
3 great JW idea," correct?

4 MR. KLEINMAN: Objection.

5 A. Fifth Amendment.

6 Q. And you understand that when he says
7 "JW," he means Jacob Wohl, correct?

8 MR. KLEINMAN: Objection.

9 A. Fifth Amendment.

10 Q. And you understand that when he wrote
11 "black robo," he was referring to the robocall at
12 issue in this case, correct?

13 MR. KLEINMAN: Objection.

14 A. Fifth Amendment.

15 MR. BRODY: Okay. Let's go to the
16 next page. Let's zoom in a little bit,
17 please.

18 Q. Can you review this one and let me
19 know when you're ready?

20 A. You can go ahead.

21 Q. This is another e-mail from you to
22 Jack Burkman, correct?

23 MR. KLEINMAN: Objection.

24 A. Fifth Amendment.

25 Q. And this is a true and correct copy

C E R T I F I C A T I O N

STATE OF NEW YORK)

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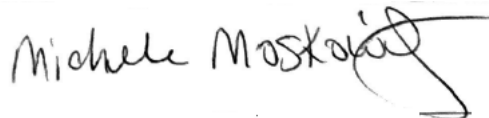
COUNTY OF NEW YORK)

I, MICHELE MOSKOWITZ, a Shorthand Reporter
and Notary Public within and for the State of New
York, do hereby certify:

That JACOB WOHL, the witness whose
examination is hereinbefore set forth, was duly
sworn/affirmed by me and that this transcript of
such examination is a true record of the
testimony given by such witness.

I further certify that I am not related to
any of the parties to this action by blood or
marriage and that I am in no way interested in
the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 16th day of May, 2022.



MICHELE MOSKOWITZ